

Application No.: 10/522,236
Art Unit: 2624

Response under 37 CFR §1.116
Attorney Docket No.: 052033

REMARKS

Claims 1-8 and 10 are pending in the application and stand rejected. The Title of the Invention has been amended. No new matter is added. In light of the foregoing amendments and the following remarks, Applicant earnestly solicits favorable reconsideration.

Applicant thanks the Examiner for courteously extending and conducting an interview with Applicant's representative on June 18, 2008. Applicant incorporates the contents of the interview into the following remarks.

Specification

The specification stands objected because the title of the invention is not descriptive. The title has been amended to read "Image Recognition Apparatus and Program for Recognizing the Substance of an Image, Particularly in a Motion Picture Environment."

On the Merits

Claim Rejections - 35 U.S.C. § 103(a):

Claims 1, 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pingali* (Ball Tracking and Virtual Replays for Innovative Tennis Broadcasts, 15th International Conference on Pattern Recognition, 2000, Proceedings, Vol 4, pg. 152-156) in view of Pizano (USP 6,101,274).

Independent Claim 1:

Independent claim 1 requires in part:

¹a score information obtaining section configured to obtain score information indicative of scores of the respective players which vary as the sport match or game proceeds;

²a play event information obtaining section configured to obtain play event information *indicative of a characteristic movement of each of the players* from picture information included in the contents, the picture information containing images of respective of the obstacle and the players, the score information displayed on a screen, and like images; and

³an image substance recognizing section **configured to make a comparison** between a score information item obtained immediately before a point in time of generation of the play event information and a score information item obtained immediately after the point in time and make reference to a result brought by the play event information, thereby recognizing a substance of an image provided by the play event information. Emphasis added.

Regarding the second element of claim 1, as labeled above, Applicant notes that the play event information obtaining section of claim 1 obtains information “indicative of a characteristic movement of each of the players.” In *Pingali*, the disclosure seems to only be concerned with “ball tracking.” That is, Applicant respectfully submits that *Pingali* does not disclose obtaining movement information from each of the players. As such, this feature of independent claim 1 is not disclosed or fairly suggested by the cited references.

Regarding the third element of claim 1, the “image substance recognition section,” the Examiner maintains his position. However, as indicated in the response dated January 22, 2008, it does not appear that the cited references disclose the claimed invention. Specifically, claim 1

requires a “**comparison**” step between score information obtained immediately before and after play event information.

While the Examiner believes the references disclose a play event information obtaining section, and an image substance recognizing section, there does not appear to be any support **comparing** two images to one another and determining the substance of an image provided by the play event information based on said **comparison**.

Applicant respectfully submits that this feature of comparing is not disclosed or fairly suggested by the cited references. As such, Applicant submits claim 1 is presently in condition for allowance.

Dependent Claim 2:

As claim 2 depends from claim 1, the arguments presented above regarding claim 1 also apply to claim 2.

Independent Claim 10:

As claim 10 requires similar features as claim 1, the arguments presented above regarding claim 1 also apply to claim 10.

Claims 3-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pingali* in view of *Pizano* and *Sudhir* (Automatic Classification of Tennis Video for High-level Content-based Retrieval, Proceeding of the 1998 International Workshop on Content-Based Access of Image and Video Databases (CAIVD '98), 1998, pp. 81-90).

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Dependent claims 3-8:

As claims 3-8 ultimately depend from claim 1, the arguments presented above regarding claim 1 also apply to its dependent claims.

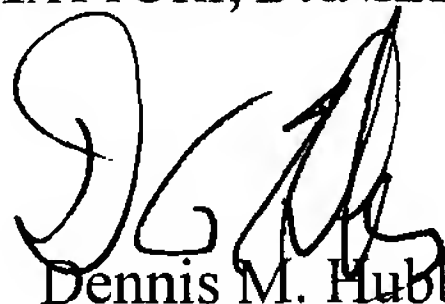
In view of the above, Applicant respectfully submits that the claimed invention is allowable and ask that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicant respectfully submits that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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